

Senate Bill 352

By: Senators Williams of the 19th, Rogers of the 21st, Weber of the 40th, Seabaugh of the 28th, Smith of the 52nd and others

A BILL TO BE ENTITLED  
AN ACT

To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to require the State Board of Education to include a growth model as a primary factor in its calculation of adequate yearly growth; to assign annual individual school ratings for each public school in this state for academic performance on designated tests; to establish thresholds for measurement of performance; to provide for criteria for school ratings; to provide for bonuses to schools based on appropriations; to provide for consequences; to provide for transmission of data from the Department of Education; to provide for audit exceptions for failure to timely provide such data; to eliminate criterion-referenced competency tests in grades one and two; to replace the Georgia High School Graduation Test with end-of-course assessments for graduation purposes beginning in the 2010-2011 school year; to revise provisions for purposes of conformity; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," is amended by adding a new Code section to read as follows:

"20-2-245.

Subject to federal approval, beginning in the 2010-2011 school year, the State Board of Education shall include as the primary factor in calculating adequate yearly progress as required by the federal No Child Left Behind Act (P.L. 107-110), a growth model which takes into consideration gains in individual student assessment scores. In implementing such growth model, the state board shall determine the percent of students who meet the 'year of learning' and 'acceptable growth' thresholds as defined by the Office of Student Achievement pursuant to Code Section 20-2-288. The State Board of Education shall

26 request an amendment to its state plan regarding such requirement from the United States  
27 Department of Education no later than October 1, 2010."

28 **SECTION 2.**

29 Said article is further amended by adding a new part to read as follows:

30 "Part 12A

31 20-2-287.

32 (a) The Office of Student Achievement shall annually establish individual school ratings  
33 for each public school in this state which has grades four through 12 for annual academic  
34 performance, with schools receiving a school grade of A, B, C, D, or F.

35 (b) The initial individual school ratings under this Code section shall be determined no  
36 later than January 1, 2011, for the 2009-2010 school year. Beginning with the 2010-2011  
37 school year and annually thereafter, individual school ratings shall be determined no later  
38 than August 1 for the previous school year.

39 20-2-288.

40 (a)(1) No later than September 1, 2010, the Office of Student Achievement shall define  
41 what constitutes a 'year of learning' for an individual student in grades four through  
42 eight. A 'year of learning' shall be based on the results of criterion-referenced  
43 competency tests administered pursuant to Code Section 20-2-281. Such 'year of  
44 learning' threshold shall be set so that for the 2009-2010 school year, school ratings  
45 calculated pursuant to paragraph (2) of this subsection shall include no more than 20  
46 percent of schools receiving a school grade of A and no more than 20 percent of schools  
47 receiving a school grade of B. Such definition may be revised at the discretion of the  
48 office; provided, however, that for school year 2010-2011 and thereafter, if the total  
49 percent of schools with grades four through eight receiving an individual school rating  
50 of a school grade of either A or B exceeds 60 percent of the schools with grades four  
51 through eight, the office shall revise such definition such that school ratings calculated  
52 pursuant to paragraph (2) of this subsection shall include no more than 20 percent of  
53 schools receiving a school grade of A and no more than 20 percent of schools receiving  
54 a school grade of B.

55 (2)(A) Annual individual school ratings for grades four through eight shall be  
56 calculated as follows:

57 (i) For each subject area of the criterion-referenced competency tests, add the number  
58 of students who met the 'year of learning' threshold with the number of students who

exceeded standards as defined by the State Board of Education on the applicable criterion-referenced competency test and divide by the total number of students who took the applicable subject and a criterion-referenced competency test who completed a full academic year. A student who met the 'year of learning' threshold and who also exceeded standards as defined by the State Board of Education shall only be counted one time for purposes of this division;

(ii) Add the results of division (i) for each subject area together and divide by the number of subject areas calculated;

(iii) For students who scored in the bottom 25 percent on the applicable criterion-referenced competency test in the school year prior to the school year being rated for each subject area of the criterion-referenced competency tests, add the number of students who met the 'year of learning' threshold with the number of students who exceeded standards as defined by the State Board of Education on the applicable criterion-referenced competency test and divide by the total number of students who took the applicable subject and a criterion-referenced competency test who completed a full academic year. A student who met the 'year of learning' threshold and who also exceeded standards as defined by the State Board of Education shall only be counted one time for purposes of this division;

(iv) And the results of division (iii) for each subject area together and divide by the number of subject areas calculated; and

(v) Add the results from divisions (ii) and (iv) and divide by two to determine the score for that school.

(B) Based on the result calculated pursuant to division (v) of subparagraph (A) of this paragraph, schools receiving 90 percent or above shall receive a school grade of A, schools receiving 83 percent or above shall receive a school grade of B, schools receiving 76 percent or above shall receive a school grade of C, schools receiving 70 percent or above shall receive a school grade of D, and schools receiving below 70 percent shall receive a school grade of F.

(b)(1) No later than September 1, 2010, the Office of Student Achievement shall define what constitutes 'acceptable growth' for an individual student in grades nine through 12. 'Acceptable growth' shall be based on the results of the end-of-course assessments administered pursuant to Code Section 20-2-281 as compared with eighth grade scores on criterion-referenced competency tests. Such 'acceptable growth' threshold shall be set so that for the 2009-2010 school year, school ratings calculated pursuant to paragraph (2) of this subsection shall include no more than 20 percent of schools receiving a school grade of A and no more than 20 percent of schools receiving a school grade of B. Such definition may be revised at the discretion of the office; provided, however, that for

school year 2010-2011 and thereafter, if the total percent of schools with grades nine through 12 receiving an individual school rating of a school grade of either A or B exceeds 60 percent of the schools with grades nine through 12, the office shall revise such definition such that school ratings calculated pursuant to paragraph (2) of this subsection shall include no more than 20 percent of schools receiving a school grade of A and no more than 20 percent of schools receiving a school grade of B.

(2)(A) Annual individual school ratings for grades nine through 12 shall be calculated as follows:

(i) For each subject area of the end-of-course assessments, add the number of students who met the 'acceptable growth' threshold with the number of students who exceeded standards as defined by the State Board of Education on the applicable end-of-course assessment and divide by the total number of students who took the applicable subject area end-of-course assessment who completed a full academic year the previous year and in their eighth grade year. A student who met the 'acceptable growth' threshold and who also exceeded standards as defined by the State Board of Education shall only be counted one time for purposes of this division;

(ii) Add the results of division (i) for each subject area together and divide by the number of subject areas calculated;

(iii) For students who scored in the bottom 25 percent on their eighth grade criterion-referenced competency tests, for each subject area of the end-of-course assessments, add the number of students who met the 'acceptable growth' threshold with the number of students who exceeded standards as defined by the State Board of Education on the applicable end-of-course assessment and divide by the total number of students who took the applicable subject area end-of-course assessment who completed a full academic year the previous year and in their eighth grade year. A student who met the 'acceptable growth' threshold and who also exceeded standards as defined by the State Board of Education shall only be counted one time for purposes of this division;

(iv) Add the results of division (iii) for each subject area together and divide by the number of subject areas calculated;

(v) Determine the high school graduation rate for the school based on criteria designated by the State Board of Education; and

(vi) Add the results from divisions (ii), (iv), and (v) and divide by three to determine the score for that school.

(B) Based on the result calculated pursuant to division (vi) of subparagraph (A) of this paragraph, schools receiving 90 percent or above shall receive a school grade of A, schools receiving 83 percent or above shall receive a school grade of B, schools

receiving 76 percent or above shall receive a school grade of C, schools receiving 70 percent or above shall receive a school grade of D, and schools receiving below 70 percent shall receive a school grade of F.

20-2-289.

(a) Subject to appropriations, schools which receive a school grade of A pursuant to Code Section 20-2-288 shall receive a bonus of up to \$50.00 per full-time equivalent student, as determined by the Office of Student Achievement.

(b) The school council shall determine how to spend such funds, which shall be spent for the benefit of the school, and may include, but not be limited to, bonuses for personnel, computers, equipment, materials, and classroom supplies.

20-2-289.1.

(a) A school which receives a school grade of F for one year pursuant to Code Section 20-2-288 shall not receive the benefit during the subsequent school year of any waivers of state law which its local school system has received pursuant to Article 4 of this chapter or Code Section 20-2-244.

(b) A school which receives a school grade of F for two or more consecutive years pursuant to Code Section 20-2-288 shall have a three-member oversight board appointed by the Governor. The three-member board may recommend to the State Board of Education the imposition of any interventions or sanctions provided for in Code Section 20-14-41 up to and including complete restructuring of the school's governance arrangement and internal organization of the school as provided for in subparagraph (a)(6)(G) of Code Section 20-14-41.

20-2-289.2.

(a) No later than June 10, 2010, the Department of Education shall provide all necessary student level data from the 2008-2009 and 2009-2010 school years to the Office of Student Achievement in order to enable such office to calculate individual school ratings pursuant to Code Section 20-2-288. Annually thereafter, the department shall provide all necessary student level data no later than June 10 of each year to the Office of Student Achievement in order to enable such office to calculate such individual school ratings.

(b) The state auditor shall cite as an audit exception any failure by the department to meet any deadline contained in this Code section and shall include any such audit exception on the website established pursuant to Code Section 50-6-32."

**SECTION 3.**

Said article is further amended in Code Section 20-2-281, relating to the assessment of effectiveness of educational programs under the "Quality Basic Education Act," by revising subsections (a), (b), (g), and (j) as follows:

"(a) The State Board of Education shall adopt a student assessment program consisting of instruments, procedures, and policies necessary to implement the program and shall fund all costs of providing and scoring such instruments, subject to appropriation by the General Assembly. Each local school system may elect to administer, with state funding, nationally norm-referenced instruments in reading, mathematics, science, or social studies in grade three, four, or five and in grade six, seven, or eight, subject to available appropriations, with assistance to such school systems by the State Board of Education with regard to administration guidance, scoring, and reporting of such assessments. The State Board of Education shall review, revise, and upgrade the quality core curriculum. Following the adoption of this revised curriculum, the State Board of Education shall contract for development of criterion-referenced competency tests to measure the quality core curriculum. Such tests in English and language arts, mathematics, ~~and reading,~~ ~~shall be administered annually to students in grades one through eight, and such tests in science,~~ and social studies shall be administered annually to students in grades three through eight. This action shall be completed according to a schedule established by the State Board of Education. A ~~curriculum-based~~ curriculum based assessment shall be administered in grade 11 for graduation purposes, except that beginning in the 2013-2014 school year, end-of-course assessments adopted and administered by the state board pursuant to subsections (f) and (h) of this Code section shall replace the Georgia High School Graduation Test for purposes of graduation requirements. Writing assessments shall be administered to students in grades three, five, eight, and 11. The writing assessments shall provide students and their parents with performance outcome measures resulting from the administration of such tests.

(b) The nationally normed assessments provided for in subsection (a) of this Code section shall provide students and their parents with grade equivalencies and percentile ranks which result from the administration of such tests. Criterion-referenced tests, ~~and the high school graduation test, and the end-of-course assessments~~ provided for in ~~subsection~~ subsections (a) and (f) of this Code section shall provide for results that reflect student achievement at the individual student, classroom, school, system, and state levels. The State Board of Education shall participate in the National Assessment of Educational Progress (NAEP) and may participate in any other tests that will allow benchmarking this state's performance against national or international performance. The results of such testing shall be provided to the Governor, the General Assembly, and the State Board of

Education and shall be reported to the citizens of Georgia. Further, the state board shall adopt a school readiness assessment for students entering first grade and shall administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section 20-2-151.

One of the components in the awarding of salary supplements as part of a pay for performance or related plan pursuant to Code Section 20-2-213 or other Code sections under this article may be assessments of student achievement."

"(g) Under rules adopted by the State Board of Education, the Department of Education shall, subject to appropriations by the General Assembly, release some or all of the questions and answers to each criterion-referenced competency test administered under subsection (a) of this Code section and each end-of-course assessment administered under subsection ~~(e)~~ (h) of this Code section after the last time the instrument is administered for a school year."

"(j)(1) The high school graduation test provided for in subsection (a) of this Code section shall continue in effect until ~~all high school core subject end-of-course assessments have been developed and implemented~~ the 2013-2014 school year, at which time the state board shall discontinue the test ~~according to a schedule to be determined by the state board~~ and the end-of-course assessments adopted and administered by the state board pursuant to subsections (f) and (h) of this Code section shall replace the Georgia High School Graduation Test for purposes of graduation requirements.

(2) The State Board of Education shall adopt rules and regulations requiring the results of core subject end-of-course assessments to be included as a factor in a student's final grade in the core subject course for which the end-of-course assessment is given."

#### SECTION 4.

Said article is further amended by revising Code Section 20-2-132, relating to the primary goals of the "Quality Basic Education Act," as follows:

"20-2-132.

It is the intent of the General Assembly that the primary goals of this article shall be as follows:

(1) A substantial reduction in the number of teachers who leave the teaching profession for reasons of job dissatisfaction;

(2) A decrease in the percentage and number of students who enter school but drop out prior to graduation;

(3) The elimination of emergency teaching certificates and waivers for teaching outside of specialty;

(4) A decrease in the percentage of students who fail the Georgia High School Graduation Test, or beginning in the 2013-2014 school year, a decrease in the percentage

of students who fail to attain passing scores on end-of-course assessments required for graduation purposes;

(5) A significant increase in the test scores of Georgia students who take the Scholastic Assessment Test (SAT) or the ACT Assessment (ACT);

(6) An increase in the number of students mastering each skill in reading, mathematics, and other subject areas;

(7) An accountability system for education programs that measures efficiency and effectiveness and ensures that programs produce improvement in student achievement scores for all students;

(8) A comprehensive program and financial information system that provides data that allow for the accurate evaluation of program effectiveness;

(9) A seamless education system that allows students to be served in the most effective and efficient way possible;

(10) The elimination of school violence;

(11) A decrease in the percentage of students who perform below grade level;

(12) An increase in parental and community involvement in schools;

(13) Better coordination between education agencies and other organizations providing instructional and related services to students;

(14) A more competent school work force through the effective use of evaluation tools, training, and school improvement teams that promote best practices; and

(15) More flexibility for high-performing schools so that services can be better adapted to student needs."

## SECTION 5.

Said article is further amended in Code Section 20-2-153, relating to early intervention program for students at risk of not reaching or maintaining academic grade level, by revising subsection (b) as follows:

"(b) The early intervention program shall serve students who are at risk of not reaching or maintaining academic grade level, including but not limited to students who are identified through the first grade readiness assessment required by Code Sections 20-2-151 and 20-2-281 and students with identified academic performance below grade levels defined by the Office of Student Achievement in Code Section 20-14-31 for any criterion-referenced assessment administered in accordance with Code Section 20-2-281 for grades ~~one~~ three through five. Local school systems shall devise a process for the identification of such students at the beginning of each school year and also during the school year as a continuous process of early identification and monitoring. School systems may use indicators such as but not limited to the student's scores on previous assessments,



the student's classroom performance in the same or previous years, and other reliable indicators to identify such students. A student shall be assigned to the early intervention program as soon as is practicable after the student is identified as at risk or after the results of the first-grade readiness assessment, the criterion-referenced assessment, or other indicators are known. The school shall provide timely notice and an opportunity for a conference with the student and his or her parents or guardians to discuss the student's academic performance and the role of the early intervention program."

#### SECTION 6.

Said article is further amended in Code Section 20-2-171, relating to minimum direct classroom expenditure requirements, by revising paragraph (3) of subsection (b) as follows:

"(3) A local school system that has direct classroom expenditures that are less than 65 percent of its total operating expenditures and that is unable to meet the expenditure requirements in paragraph (2) of this subsection may apply to the State Board of Education for a one-year renewable achievement waiver. The waiver request must include evidence that the local school system is exceeding the state averages in academic categories designated by the board, which may include, but not be limited to, criterion-referenced competency tests, the Georgia High School Graduation Test or beginning in the 2013-2014 school year, end-of-course assessments, and the SAT, a plan for obtaining compliance with this Code section, and any other information required at the discretion of the board; and"

#### SECTION 7.

Said article is further amended in Code Section 20-2-284, relating to criteria for local boards of education and model placement and promotion policy, by revising subsection (b) as follows:

"(b) Except for those criterion-referenced assessments specified in Code Section 20-2-283, the placement and promotion policy as developed and adopted by each local board of education shall state how the criterion-referenced competency tests administered under Code Section 20-2-281 for grades ~~one~~ three through eight will be weighted or otherwise utilized by the school principal or the principal's designee in determining the overall academic achievement of a student and an appropriate plan of accelerated, differentiated, or additional instruction, placement, promotion, or retention of a student."

#### SECTION 8.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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**SECTION 9.**

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All laws and parts of laws in conflict with this Act are repealed.